

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|-------------------------------|---|--------------------------|
| GREGORY HEARN, SR. and DANA | : | CIVIL ACTION |
| HEARN, husband and wife in | : | |
| their own right, and as | : | NO. 02-CV-3525 |
| parents and natural guardians | : | |
| of KYHNA HEARN and GREGORY | : | |
| HEARN, JR., their children, | : | |
| | : | |
| Plaintiffs, | : | HONORABLE JAY C. WALDMAN |
| | : | |
| vs. | : | |
| | : | |
| PHILADELPHIA POLICE OFFICER | : | |
| BRIAN FUSS and PHILADELPHIA | : | |
| POLICE OFFICER JOHN FLYNN, | : | |
| | : | |
| Defendants. | : | |

VERDICT FORM

Plaintiffs hereby submit their proposed verdict form.

1. Do you find by a preponderance of the evidence that Defendant Brian Fuss violated the plaintiffs' constitutional rights, as I have explained them?

_____Yes

_____NO

INSTRUCTIONS

Proceed to question no. 2.

2. Do you find by a preponderance of the evidence that defendant John Flynn violated the plaintiffs' constitutional rights, as I have explained them?

_____Yes

_____No

INSTRUCTIONS

If you answered yes to either question 1 or question 2, proceed to question no. 3.

If you answered "no" to question 1 and question 2, sign the last page of this form and return to the courtroom.

3. What amount of damages do you award plaintiffs?

\$ _____

INSTRUCTIONS

Proceed to question 4.

4. Do you find by a preponderance of the evidence that defendants Fuss and Flynn's conduct caused Dana Hearn to suffer a diminishing of the consortium, services and companionship of her husband, Gregory Hearn, Sr.?

_____Yes

_____No

5. If you answered "yes" to question no. 4, what damages do you award Dana Hearn for the diminution of her husband's consortium, services and companionship?

\$ _____

INSTRUCTIONS

Proceed to question no. 6.

6. Do you find by a preponderance of the evidence that the conduct of defendants Fuss caused Dana Hearn, Gregory Hearn, Jr. and Kyhna Hearn to suffer emotional distress?

_____Yes

_____No

INSTRUCTIONS

If you have answered "yes" to question no. 6, proceed to question no. 7. Otherwise, proceed to questions 8.

7. What amount of damages do you award Dana Hearn, Gregory Hearn, Jr. and Kyhna Hearn?

\$ _____

INSTRUCTIONS

Proceed to question no. 8.

8. Do you find by a preponderance of the evidence that defendant Brian Fuss should be assessed punitive damages under the law as I explained it to you?

_____Yes

_____No

INSTRUCTIONS

If you answered "yes" to question no. 8, proceed to question no. 9. Otherwise, proceed to questions no. 10.

9. What amount of punitive damages do you assess against defendants Fuss?

\$ _____

INSTRUCTIONS

Proceed to question no. 10.

10. Do you find by a preponderance of the evidence that defendant John Flynn should be assessed punitive damages under the law as I explained it to you?

_____ Yes

_____ No

If you answered "yes" to question no. 10, proceed to question no. 11. Otherwise, the foreperson should sign and date this form, and return to the courtroom.

11. What amount of punitive damages do you assess against defendants Flynn?

\$ _____

INSTRUCTIONS

The foreperson should sign and date this form, and you should return to the courtroom.

Date: _____

Sign: _____
Foreperson